



Legal Aid Alberta

A Just Alberta – one person at a time

Rules 2015

Approved as per the Legal Aid Alberta Governance Agreement by:
Legal Aid Alberta Board of Directors, and
Alberta Minister of Justice and Solicitor General

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Table of Contents

| | |
|---------------------------------------------------------------------------------------|-----------|
| Part I – What does Legal Aid Alberta do? | 1 |
| Types of legal services | 1 |
| Service delivery model | 1 |
| Clients may be charged fees | 1 |
| When no fees will be charged | 1 |
| Certificates | 1 |
| Part II – How do people qualify for Legal Aid Alberta services? | 2 |
| Types of eligibility guidelines | 2 |
| When Legal Aid Alberta can end legal services | 2 |
| When a client can end legal services | 3 |
| Client’s obligations when legal services end | 3 |
| Part III – Service Eligibility Guidelines | 3 |
| Compliance with Governance Agreement | 3 |
| Residents and non-residents | 3 |
| Criminal law matters | 4 |
| Family law matters | 5 |
| Civil law matters | 6 |
| Conditions for legal representation services in family or civil matters | 6 |
| Conditions for appeals or decision reviews | 6 |
| Service Eligibility Policy | 7 |
| Part IV – Financial Eligibility Guidelines | 7 |
| Where Financial Eligibility Guidelines do not apply | 7 |
| Qualifying levels of income and assets | 7 |
| Financial Eligibility Policy | 8 |
| Part V – Fee and Payment Guidelines | 8 |
| Clients pay for legal services | 8 |
| What are Fee and Payment Guidelines | 9 |
| Client fees | 9 |
| Payment if undue financial hardship | 9 |
| Security on or against property | 9 |
| Fee and Payment Policies | 9 |
| Part VI – What can clients do if they do not agree with eligibility decisions? | 10 |
| Eligibility decision | 10 |
| Review of eligibility decision | 10 |
| Appeal of eligibility decision | 10 |
| Eligibility Review and Appeal Policy | 11 |

| | |
|--------------------------------------------------------------------------------------------------------|-----------|
| Part VII – Who provides Legal Aid Alberta’s legal services? | 11 |
| Service providers | 11 |
| Roster Management Policy | 11 |
| Right of Legal Aid Alberta to choose | 11 |
| Tariff for roster lawyers | 11 |
| Case Management Policies | 11 |
| | |
| Part VIII – How are Legal Aid Alberta Rules and Policies made? | 12 |
| Who can make Rules | 12 |
| Who can make Policies | 12 |
| What takes precedence | 12 |
| Publication | 13 |
| Failure to Follow | 13 |
| | |
| Part IX – Schedules | 14 |
| Schedule 1 – Definitions | 14 |
| Schedule 2 – Tariff for Roster Lawyers | 19 |
| 1. Criminal Certificates | 20 |
| 2. Criminal Appeal Certificates | 27 |
| 3. Civil Certificates | 30 |
| 4. Administrative Law Certificates | 34 |
| 5. Civil Appeal Certificates | 35 |
| 6. Opinion Certificates | 37 |
| 7. Extra Tariff Items | 38 |
| 8. Ordinary Disbursements | 43 |
| 9. Special Disbursements | 46 |
| 10. Extra Tariff Items and Special Disbursements - Matters in the High Cost Case Management Program | 50 |

Part 1 – What does Legal Aid Alberta do?

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| Types of legal services | <p>1.1 Legal Aid Alberta will provide legal representation services in the areas of civil, family and criminal law needs along with other matters specified in Rules 3.16.</p> <p>1.2 The scope of legal services provided by Legal Aid Alberta may change from time to time and may include:</p> <ul style="list-style-type: none"> a. any or all legal representation services, <ul style="list-style-type: none"> (i) early resolution services, (ii) limited scope services, (iii) full representation services, and b. Duty Counsel services. |
| Service delivery model | <p>1.3 Legal Aid Alberta may deliver legal services:</p> <ul style="list-style-type: none"> a. in person in Legal Services Centres, staff law offices, courthouses and other locations; b. by telephone, video-conferencing or over the Internet; and c. using other technology as it thinks appropriate. <p>1.4 To deliver legal services, Legal Aid Alberta may use:</p> <ul style="list-style-type: none"> a. private bar lawyers who are placed on a roster; b. private bar lawyers who have agreed by contract to provide legal services for it; and c. staff lawyers and non-lawyers. <p>1.5 Legal Aid Alberta will have sole discretion to decide whether it will use a staff, roster or other service provider for a client’s matter.</p> |
| Clients may be charged fees | <p>1.6 Legal Aid Alberta may charge, to a client, client fees for legal representation services.</p> <p>1.7 Subject to Rule 1.8, a client must agree to pay client fees in order to receive legal representation services.</p> |
| When no fees will be charged | <p>1.8 Legal Aid Alberta will not charge client fees when providing these legal services:</p> <ul style="list-style-type: none"> a. Duty Counsel; and b. Brydges Duty Counsel. |
| Certificates | <p>1.9 If legal representation services or Duty Counsel services are going to be provided, Legal Aid Alberta will issue a certificate to the lawyer.</p> <p>1.10 If legal representation services or Duty Counsel services are going to be provided by a staff law office or staff lawyer, Legal Aid Alberta may, in accordance with the Governance Agreement, issue a</p> |

certificate to the staff law office or staff lawyer.

- 1.11 A certificate may include conditions and is subject to the provisions of the Rules, including the Legal Aid Alberta Tariff.

Part II – How do people qualify for Legal Aid Alberta services?

Types of eligibility guidelines

- 2.1 A client must meet all Legal Aid Alberta's eligibility guidelines which apply to the client and the client's matter to:
- a. receive legal representation services; and
 - b. to continue receiving legal representation services.
- 2.2 Service and Financial eligibility guidelines for Legal Aid Alberta are established by these Rules.
- 2.3 Service Eligibility Guidelines describe the types of law and legal issues for which legal representation services may be provided.
- 2.4 Financial Eligibility Guidelines describe the levels of income and assets that a client can have.

When Legal Aid Alberta can end legal representation services

- 2.5 Legal Aid Alberta may end legal representation services if it, in its sole discretion, determines that:
- a. a client no longer meets eligibility guidelines; or
 - b. a client's matter
 - (i) has been resolved or otherwise ended;
 - (ii) does not justify its providing further legal services; or
 - (iii) no longer meets eligibility guidelines.
- 2.6 Legal Aid Alberta may end legal representation services if it, in its sole discretion, determines that a client was asked and has failed to:
- a. provide financial or other information;
 - b. contact staff or a service provider;
 - c. instruct staff or a service provider; or
 - d. respond to staff or a service provider.
- 2.7 Legal Aid Alberta may end legal representation services if it, in its sole discretion, determines that a client:
- a. cannot or will not work with staff or a service provider; or
 - b. does not do something that has to be done before Legal Aid Alberta can take the next step or provide more service.
- 2.8 Legal Aid Alberta will tell a client when it has stopped providing legal representation services and the reasons it has stopped providing those services.

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| When a client can end legal representation services | 2.9 | A client may end legal representation services by telling Legal Aid Alberta he or she wants to stop. |
| Client's obligation when legal representation services end | 2.10 | A client's obligations to Legal Aid Alberta do not end by the ending of legal representation services. |

Part III – Service Eligibility Guidelines

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| Compliance with Governance Agreement | 3.1 | If Legal Aid Alberta wants to provide legal representation services to eligible clients in areas of law: <ul style="list-style-type: none">a. not specifically identified in Part III; orb. referred to in Part III as other matters, offences, issues or circumstances which may be included in Board Policy, it can do so only if it complies with the relevant requirements set out in the Governance Agreement. |
| Residents and non-residents | 3.2 | Unless there is a place in these Rules that says something different, a client must be a resident Albertan. |
| | 3.3 | Legal Aid Alberta may provide legal representation services to an eligible client who is not a resident Albertan where the legal aid plan in the client's province or territory of residence requests services and: <ul style="list-style-type: none">a. the requesting legal aid plan provides legal representation services to resident Albertans;b. the client is financially eligible to receive legal aid in the province or territory of residence;c. a court or tribunal in Alberta has jurisdiction; andd. the matter is one for which legal representation services would be provided to a resident Albertan. |

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- 3.4 Legal Aid Alberta may provide legal representation services to an eligible client who is not a resident Albertan where the Central Authority for the Hague Abduction Convention in the client's country of residence requests services, and;
- a. the requesting Central Authority, in the client's country of residence, provides legal representation services to resident Albertans;
 - b. the requesting Central Authority, in the client's country of residence, confirms the client is financially eligible to receive legal aid in the client's country of residence;
 - c. a court in Alberta has jurisdiction; and
 - d. the matter is one for which legal services would be provided to a resident Albertan.
- 3.5 Where the client's country of residence does not have a legal aid plan, a client under Rule 3.4 must meet Legal Aid Alberta's financial eligibility guidelines.
- 3.6 If a person is charged with a criminal offence in Alberta, he or she may be eligible to become a client even though the person is not a resident Albertan.
- 3.7 Where Legal Aid Alberta provided legal representation services at the trial or hearing of a civil or family matter, Legal Aid Alberta may provide an eligible client with legal representation services on the appeal of the matter, even where the client is no longer a resident Albertan.
- Criminal law matters**
- 3.8 Legal Aid Alberta may provide legal representation services to an eligible client charged with the following criminal offences:
- a. indictable offences, whether in the Criminal Code or any other Federal act;
 - b. summary conviction offences with a:
 - (i) likelihood of imprisonment upon conviction;
 - (ii) likelihood of loss of the means of earning a living upon conviction; or
 - (iii) a circumstance which Legal Aid Alberta, in its sole discretion, decides is exceptional enough for it to give legal services to the client;
 - c. Youth Criminal Justice Act offences;
 - d. Extradition Act offences;
 - e. any other offences, issues or circumstances that Legal Aid Alberta includes, from time to time, through a Board Policy and approved in accordance with the Governance Agreement.
- 3.9 Legal Aid Alberta may also provide legal representation services in criminal law matters, where:

- a. the service is requested by the Minister in those situations set out in the Governance Agreement; and
- b. a court in Alberta orders the appointment of a lawyer for:
 - (i) youth, provided the lawyer will be paid at rates not exceeding the Legal Aid Tariff for court appointed counsel for youth;
 - (ii) adult persons, in provincial prosecutions under the Criminal Code of Canada, provided the lawyer will be paid as set out in the court order.

3.10 A client charged with a criminal offence not referred to in Rule 3.8 or who has not met the requirements of Rule 3.9 may only receive Duty Counsel services.

Family law matters

3.11 Subject to Rule 3.13 and 3.17, Legal Aid Alberta may provide legal representation services to an eligible client with:

- a. Child welfare matters;
- b. Interjurisdictional Support Orders Act;
- c. Protection Against Family Violence Act or other forms of protection related to family violence;
- d. Divorce Act or Family Law Act matters which may include custody, access, guardianship, parenting or contact time, spousal or child support;
- e. matrimonial property where
 - (i) there are also one or more matters in Rule 3.11.b.; or
 - (ii) the client's equity in the property is \$50,000 or more;
- f. constructive trust matters where the client's equity in the property is \$50,000 or more;
- g. partition and sale matters between spouses where the client's equity in the property is \$50,000 or more; and
- h. other family law matters that Legal Aid Alberta includes from time to time, through a Board Policy and approved in accordance with the Governance Agreement.

3.12 Legal Aid Alberta may provide legal representation services, on behalf of the Minister, if a court in Alberta orders the appointment of a lawyer for a child in a high-conflict child custody, access, guardianship, parenting or contact time matter and Legal Aid Alberta determines that:

- a. the lawyer is necessary to protect the best interests of the child;
- b. the lawyer will be paid in accordance with the Legal Aid Tariff; and
- c. either or both parents, having regard to their financial means, will be asked to reimburse Legal Aid Alberta for the costs of the lawyer.

- 3.13 Legal Aid Alberta will not provide legal representation services for:
- a. uncontested divorces; or
 - b. contested divorces, where:
 - (i) there are no corollary relief or matrimonial property issues, or
 - (ii) the matrimonial property is the only issue in dispute and the client's equity in that property is less than \$50,000.

3.14 A client with family matters not referred to in Rules 3.11 or 3.12 may only receive Duty Counsel services.

- Civil law matters** 3.15 Subject to Rule 3.17, Legal Aid Alberta may provide legal representation services to an eligible client with:
- a. immigration and refugee claims;
 - b. Adult Guardianship and Trusteeship matters, where the client is the person subject to or potentially subject to guardianship or trusteeship and;
 - c. other civil law matters that Legal Aid Alberta includes from time to time, through a Board Policy and approved in accordance with the Governance Agreement.

3.16 A client with civil matters not included in Rule 3.15 may only receive Duty Counsel services.

- Conditions for Legal representation services in family or civil matters** 3.17 Legal Aid Alberta may provide legal representation services to a client with family or civil matters included in Rule 3.11 or 3.15, only where:
- a. a court or tribunal has jurisdiction over the matter in Alberta; and
 - b. Legal Aid Alberta, in its sole discretion, has determined that:
 - (i) the cost of commencing or defending the action is reasonable for the relief sought; and
 - (ii) the action has merit or likelihood of success or both.

- Conditions for appeals or decision reviews** 3.18 Legal Aid Alberta may provide legal representation services for an eligible client for appeals only if:
- a. a court or tribunal has jurisdiction over the matter in Alberta; and
 - b. for the criminal offences listed in Rule 3.8, the Crown is bringing the appeal; or
 - c. for any other civil, family or criminal appeal or decision review, Legal Aid Alberta, in its sole discretion, has determined that:
 - (i) the cost of commencing or defending the action is reasonable for the relief sought; and
 - (ii) the action has merit or likelihood of success or both.

- Service Eligibility Policy**
- 3.19 Legal Aid Alberta may by Board Policy limit the amount Legal Aid Alberta will spend on legal services in an area of law, so long as the limitation has been approved by the Minister in accordance with the Governance Agreement.
- 3.20 Legal Aid Alberta may by Administrative Policy:
- a. define decision-making protocols around service eligibility and service termination;
 - b. define when Legal Aid Alberta and its staff can use discretion in applying Service Eligibility Guidelines and Policies and the criteria that staff should consider when exercising discretion;
 - c. identify specific legal issues, within the areas of law set out in this section of the Rules, for which legal services will or will not be provided;
 - d. identify what things would cause a client to stop being eligible for service;
 - e. set out what may happen when a client is no longer eligible for service; and
 - f. identify legal services to which Service Eligibility Guidelines do not apply or partially apply.

Part IV – Financial Eligibility Guidelines

- Where Financial Eligibility Guidelines do not apply**
- 4.1 A client does not need to meet the Financial Eligibility Guidelines to be eligible for:
- a. Duty Counsel services;
 - b. Court-ordered lawyer services for adults and youth; and
 - c. in accordance with the Governance Agreement and through an Administrative Policy, other legal services which Legal Aid Alberta identifies can be provided, from time to time, without a client meeting Financial Eligibility Guidelines.
- 4.2 A client is eligible for legal representation services if an order for apprehension and confinement was made against him or her under the Protection for Children Abusing Drugs Act, whether or not the client fits within the Financial Eligibility Guidelines.
- Qualifying levels of income and assets**
- 4.3 Legal Aid Alberta will make decisions about financial eligibility using:
- a. the income table set out below;
 - b. a client’s family size;
 - c. the amount of a client’s allowed income;
 - d. the amount of a client’s liquid assets; and
 - e. client’s real property, being a house, building or land.

Table: Levels of Allowed Income

| Family Size | DC/Brydges Services | Legal Representation Services | |
|-------------|-----------------------------------------------|-------------------------------|----------|
| | | Monthly | Annual |
| 1 | Financial Eligibility Guidelines do not apply | \$1,638 | \$19,653 |
| 2 | | \$2,027 | \$24,333 |
| 3 | | \$2,885 | \$34,627 |
| 4 | | \$3,120 | \$37,434 |
| 5 | | \$3,354 | \$40,242 |
| 6+ | | \$3,587 | \$43,050 |

- 4.4 A client will be financially eligible for legal representation services where the client’s allowed income is equal to or under both the monthly and annual amounts for the client’s family size.
- 4.5 In limited circumstances, Legal Aid Alberta may, in its sole discretion and in accordance with Administrative Policy, provide legal services where a client’s allowed income exceeds monthly or annual amounts for the client’s family size, or both monthly and annual amounts.
- 4.6 A client may be refused legal representation services if Legal Aid Alberta, in its sole discretion, determines that the client’s real property or liquid assets exceed the level set by Board Policy.
- 4.7 Legal Aid Alberta may, by Board Policy, set the level of real property or liquid assets a client may not exceed in order to obtain legal services.
- 4.8 Legal Aid Alberta may by Administrative Policy:
 - a. define decision-making protocols around financial eligibility; and
 - b. define the criteria around the discretion Legal Aid Alberta and its staff can use when applying Financial Eligibility Guidelines and Policies.

Financial Eligibility Policy

Part V – Fee and Payment Guidelines

Clients pay for legal representation services

- 5.1 Clients are required to pay for the legal representation services they receive except where Legal Aid Alberta determines, in its sole discretion, that:
 - a. payment of fees would cause undue hardship to the client or the client’s family; or
 - b. the cost of or resources required to set, inform, charge, record and collect fees would exceed the amount of fees which could reasonably be recovered.

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| What are Fee and Payment Guidelines | 5.2 | Fee and Payment Guidelines describe: <ol style="list-style-type: none">a. the type and amount of client fees Legal Aid Alberta may charge for legal services;b. the type and amount of security a client may have to agree to provide, in order to receive legal services;c. the ways a client may make payments for client fees charged by Legal Aid Alberta;d. the ways in which Legal Aid Alberta may collect client fees; ande. when Legal Aid Alberta may waive payment of client fees. |
| Client fees | 5.3 | Client fees may be based upon: <ol style="list-style-type: none">a. the Tariff, being Schedule 2 of these Rules;b. hourly fees; orc. block fees; and may include disbursements paid by Legal Aid Alberta over the course of a matter. |
| | 5.4 | The total amount of client fees for a matter shall not exceed the amount payable by Legal Aid Alberta to a lawyer or other service provider according to the Tariff for that matter. |
| Payment if undue financial hardship | 5.5 | Legal Aid Alberta may reduce the payment of fees or waive the payment of fees if payment would cause an undue financial hardship for a client. |
| Security on or against property | 5.6 | Before delivering a legal representation service, Legal Aid Alberta may require that a client give security on or against property which the client controls or may control in the future. |
| Fee and Payment Policies | 5.7 | Legal Aid Alberta will by Administrative Policy: <ol style="list-style-type: none">a. set the amount of or method for calculating fees and disbursements payable by clients for legal representation services; andb. establish the methods of payment, down-payment, security and collection which Legal Aid Alberta can utilize. |
| | 5.8 | Legal Aid Alberta may by Administrative Policy, in accordance with the Governance Agreement: <ol style="list-style-type: none">a. define circumstances and criteria for deciding when client fees will be payable;b. establish the criteria for when down-payments, monthly payments or security will be required;c. establish the consequences for failing to follow through with down-payments, monthly payments or security;d. define the circumstances and criteria for deciding when unpaid client fees will be subject to collection activities; |

- e. define the decision-making protocols for
 - (i) whether a client should be charged client fees;
 - (ii) the method and amount of payment required from a client;
 - (iii) the method and amount of security required from a client; or
 - (iv) whether client fees should be waived or reduced; and
- f. address any other fee and payment items it may wish to include from time to time.

Part VI – What can clients do if they do not agree with eligibility decisions?

Eligibility decision

- 6.1 Legal Aid Alberta makes an eligibility decision when it decides that a client does or does not, fully or partially, meet:
 - a. Service Eligibility Guidelines; or
 - b. Financial Eligibility Guidelines.
- 6.2 An eligibility decision is final and cannot be reviewed or appealed if the Rules say it is final.

Review of eligibility decision

- 6.3 A client may request a review of an eligibility decision in accordance with the Rules and the Eligibility Review and Appeal Policy.
- 6.4 Except where it is covered in Rule 6.2, an eligibility decision can be reviewed only if it is a decision that a client:
 - a. does not meet Service Eligibility Guidelines or Policies;
 - b. does not meet Financial Eligibility Guidelines or Policies; or
 - c. should have legal representation services terminated.
- 6.5 Legal Aid Alberta staff will make review decisions.
- 6.6 Except for the review decisions listed in Rule 6.9, all review decisions are final and cannot be appealed.

Appeal of eligibility decision

- 6.7 A client may request an appeal of an eligibility review decision in accordance with the Rules and the Eligibility Review and Appeal Policy.
- 6.8 Members of the Board, staff, other non-staff persons or a combination of Board, staff or non-staff persons will form a Committee to make appeal decisions.
- 6.9 A review decision can only be appealed on the ground that the Reviewer erred in finding that the client:
 - a. does not meet Service Eligibility Guidelines or Policies;
 - b. does not meet Financial Eligibility Guidelines in accordance

- with the Rules and Administrative Policy; or
- c. should have their certificate-based legal services terminated.

6.10 All appeal decisions are final and cannot be appealed further.

**Eligibility
Review and
Appeal Policy**

- 6.11 Legal Aid Alberta will, by Administrative Policy:
- a. set out the Terms of Reference for the Appeal Committee; and
 - b. define protocols and criteria for Eligibility Review and Appeal processes.

Part VII – Who provides Legal Aid Alberta’s legal services?

**Service
providers**

7.1 Legal Aid Alberta may use staff, roster and contracted service providers in the way it thinks is best to provide effectual and cost-effective legal services.

**Roster
Management
Policy**

- 7.2 Legal Aid Alberta will by Administrative Policy:
- a. define the roster management activities it will undertake to support the development, administration and maintenance of its rosters;
 - b. identify the number and type of rosters it may establish;
 - c. develop a framework for the establishment of protocols and criteria dealing with enrollment on a roster, standards and qualifications, roster supports, and expectations of roster members;
 - d. develop protocols for imposing sanctions on a roster lawyer, such as removal or suspension from a roster, which protocols may include the establishment of a Roster Committee; and
 - e. address any other items relating to roster management it may wish to include from time to time.

**Right of Legal
Aid Alberta to
choose**

7.3 Legal Aid Alberta has the right to choose any staff lawyer or roster lawyer to provide certificate legal representation services to a client.

**Tariff for roster
lawyers**

7.4 Legal Aid Alberta will establish a Tariff of fees and disbursements payable to roster lawyers for certificate legal representation services.

7.5 This Tariff will be Schedule 2 of these Rules.

**Case
Management
Policies**

- 7.6 For certificate based legal services Legal Aid Alberta will, by Administrative Policy:
- a. identify what Legal Aid Alberta should consider when choosing a lawyer for a client;
 - b. define the circumstances under which a client can ask for a

- different service provider; and
- c. define the criteria Legal Aid Alberta will use when considering a change of a client’s service provider.

- 7.7 Legal Aid Alberta may, by Administrative Policy:
- a. define decision-making protocols around case management;
 - b. establish case management protocols and practices for regular or high cost cases or both;
 - c. set up quality assurance programs for both staff and service providers; and
 - d. address any other case management item it may wish to include from time to time.

Part VIII – How are the Legal Aid Alberta Rules and Policies made?

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| Who can make Rules | 8.1 | The Governance Agreement <ul style="list-style-type: none"> a. gives the Board the right to make or change these Rules; and b. says when the Rules must be approved by the Minister. |
| Who can make Policies | 8.2 | The Board may, as approved in accordance with the Governance Agreement, make or change Policies for setting: <ul style="list-style-type: none"> a. service delivery philosophy and approach; b. priority areas of law for service delivery; c. annual limits on the amount spent on different areas of law or specific legal matters within areas of law; d. areas of law for which no legal services will be provided; e. the amount Legal Aid Alberta will spend for legal services on a client’s matter or on legal services in an area of law; f. the level of assets a client may not exceed in order to obtain legal representation services; and g. other things it considers appropriate from time to time. |
| | 8.3 | The CEO may make or change Administrative Policies when the Rules allow for Administrative Policies to be developed. |
| | 8.4 | The CEO may delegate to staff the authority to make or change Administrative Policies generally or in specific areas, except for those which require the approval of the Board. |
| What takes precedence | 8.5 | If something in the Rules is different from what is in the Governance Agreement or the Bylaw, then what is in the Governance Agreement or Bylaw is what will be followed. |
| | 8.6 | If something in a Board Policy is different from what is in the Governance Agreement, the Bylaw or the Rules, then what is in the |

Governance Agreement, Bylaw or Rules is what will be followed.

8.7 If something in an Administrative Policy is different from what is in the Governance Agreement, Bylaw, Rule or a Board Policy, then what is in the Governance Agreement, Bylaw, Rule or Board Policy is what will be followed.

Publication

8.8 The Rules and Policies, and any changes to them, will be published on the Legal Aid Alberta website and what is published there will be the official version of the Rules.

Failure to follow

8.9 Legal Aid Alberta will follow the Rules and Policies, but a failure to do so does not affect the validity of any action taken by it.

8.10 Rule 8.9 does not prevent a person from requesting that a decision of Legal Aid Alberta, which is subject to review or appeal, be reviewed or appealed.

Schedule 1 - Definitions

The following words, when used in the Rules, mean:

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| Administrative Policy | is made by the CEO or CEO's delegate and deal with day-to-day management and operations of Legal Aid Alberta. |
| Allowed income | family income minus <ol style="list-style-type: none"> a. source employment deductions, b. child or spousal support being paid by the family; c. daycare expenses; and d. any other deductions which Legal Aid Alberta thinks should be included. |
| Area of law | a type of law. It can be described very broadly in groups like civil law, criminal law or family law. |
| Board | the Board of Directors of Legal Aid Alberta. |
| Board Policy | the framework within which Legal Aid Alberta provides legal and other services to clients. The Board makes policy to set the priorities and philosophy for service delivery, in accordance with the Governance Agreement. Policies guide and direct what types of programs and services will be developed and the ways they will be delivered. |
| Bylaw | the Legal Aid Alberta Bylaw No. 1 and its successor. |
| CEO | the Chief Executive Officer of Legal Aid Alberta. |
| Certificate | the document issued by Legal Aid Alberta to a service provider authorizing him or her to provide specified legal services to a client. |
| Client | an individual who contacts Legal Aid Alberta for assistance with a legal problem, whether he or she receives legal services or not, but does not include a business, an individual requesting legal services in the operation of a business, a non-profit society or incorporated body. |
| Client Fees | what Legal Aid Alberta can charge a client for the legal representation services it provided. Client fees can include disbursements, such as amounts paid to someone other than the lawyer (for instance, an expert witness, translation services or for specific costs like photocopying). |
| Client's Family | <ol style="list-style-type: none"> a. the client, his or her dependents if any, and b. where a client is a child with no spouse, the child's custodial parents, guardians or other caregiver with whom the child lives. |
| Court | all Alberta Courts, the Federal Court of Canada and the Supreme Court of Canada. |

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| Dependents | <ul style="list-style-type: none"> a. the spouse of a client; b. a child of the client who is <ul style="list-style-type: none"> (i) under 18 and been apprehended by Child and Family Services where a Permanent Guardianship Order has not been granted; (ii) under 18 and is still under the client’s care and control; or (iii) over 18 but, because of illness, disability or other cause, is still under the client’s care and control or cannot provide him/herself with the necessaries of life; and c. any other child who Legal Aid Alberta, in its sole discretion, determines is financially dependent upon the client. |
| Duty Counsel | are lawyers who give legal assistance to people who go to court or a tribunal without a lawyer. Duty Counsel includes Brydges Duty Counsel, and Emergency Protection Order Program Counsel. |
| Duty Counsel Services | the level of legal services to which financial eligibility guidelines do not apply. Duty Counsel services includes Alberta Review Board, applications for confirmations and breaches of Emergency Protection Orders, complainant, witness or accused persons under section 278.1 to 278.91, section 486.3 and section 672.24 of the Criminal Code, docket courts, Institutional Disciplinary Hearings, Mental Health Review Panel, Mills/O’Connor Applications, Protection of Children Abusing Drugs, and any other court or tribunal Legal Aid Alberta, in its sole discretion, approves. |
| Eligible | meeting all the requirements. |
| Family income | <p>the total income of the client and their family if living in the same residence and includes:</p> <ul style="list-style-type: none"> a. employment income before deductions; b. self-employment income, after deduction of reasonable operating costs as determined by Legal Aid Alberta; and c. other income, including pension benefits, retirement allowances, death benefits, employment insurance benefits, spousal and child support payments, annuity payments, grants, social assistance payments, workers’ compensation benefits; benefits from deferred income plans, scholarships, bursaries, research grants, indirect payments, GST and HST rebates, child tax benefits, rental income, dividends, interest, investment income and other miscellaneous income. |
| Governance Agreement | the Governance Agreement Respecting Legal Aid 2011, entered into between Legal Aid Alberta, the Government of Alberta through the Ministry of Justice and Solicitor General, and The Law Society of Alberta as amended and revised. |

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| Lawyer | an individual enrolled as an active member of The Law Society of Alberta or entitled to practice law in the Province of Alberta. |
| Legal Aid Alberta | the Legal Aid Society of Alberta. |
| Legal Aid Plan | the plan to provide legal and other services to individuals as set out in the Governance Agreement, Legal Aid Alberta's Business Plan from time to time and these Rules. |
| Legal Services | is defined in the Governance Agreement, which says that legal services "means the legal assistance and other related services in the areas of adult criminal, youth and civil law, as are determined by the Board to be provided to individuals to maintain their rights under the law". |
| Legal Services Centres | the Legal Aid Alberta staff offices which provides the initial assessment of a client's legal needs and eligibility for legal services (as well as some types of legal service provision where appropriate) but does not include a Staff Law Office. |
| Legal Representation Services | Legal representation services to which financial eligibility guidelines apply. Legal representation services are early resolution services (such as those provided by the Criminal Resolution Offices and Child Welfare Early Resolution Service), limited scope services and full representation services. |
| Limited Scope Services | are legal services where the lawyer is providing representation for only part of a legal matter, without the expectation that the lawyer will provide a full-service representation. |
| Liquid Assets | cash, or any real or personal property which can be converted into cash within a reasonable period of time. This could include a boat or other vehicle. |
| Minister | the Government of Alberta Minister of Justice and Solicitor General. |
| Necessaries | cash or property of a client which is needed for the client family's actual living requirements at the time the client contacts Legal Aid Alberta. |
| Obligations | things a client must agree to do in order to get legal services and which must be completed by the client. They may include: telling Legal Aid Alberta when the client's contact information, financial circumstances or legal problems change; or agreeing to pay and paying client fees; or agreeing to give security for payment of fees and giving the security (eg. mortgage, assignment of proceeds, etc.). |
| Resident Albertan | an individual who, at the time of becoming a client, makes his or her home |

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| | in Alberta and ordinarily lives in Alberta. |
| Roster | a list of service providers, usually for a specific type of legal service (example, lawyers who will do family law services). |
| Rules | these Rules are made pursuant to paragraph 1(o) of the Governance Agreement. They tell us how Legal Aid Alberta operates the Legal Aid Plan. |
| Security | is given by a client to make sure that, if the client doesn't or can't pay the client fees he or she owes, Legal Aid Alberta can still get paid. Security is given by the client signing a legal document. For instance, if the client owns a house, the client may agree to a mortgage on the house in favour of Legal Aid Alberta for the amount of the client fees. Or, if the client is going to get money from a court case, he or she may agree that some or all of that money will go directly to Legal Aid Alberta to pay any client fees still owing. Other examples include an assignment of proceeds from bail or from the sale of property or other asset. |
| Service Provider | <p>an individual who is:</p> <ul style="list-style-type: none"> a. employed, contracted or provided through a partnership arrangement to provide Legal Aid Alberta's legal and other services and b. agrees to be bound by Legal Aid Alberta's Rules, Policies and Procedures, and <p>may include a specific Legal Aid Alberta law office or business unit. In addition to staff, they may include: private bar lawyers or articling students who join a roster; other professionals who join a roster for that type of service (eg. translators); and private bar lawyers and other persons who enter into non-roster contracts with Legal Aid Alberta.</p> |
| Spouse | <ul style="list-style-type: none"> a. a person who is the husband or wife of a married person; b. a man and woman who have lived together for less than a continuous period of 12 months and who have a biological child together; c. two persons, of the same or different sexes, who have lived together in a relationship of interdependence for a continuous period of 12 months; or d. two persons in any other relationship recognized under the Adult Interdependent Relations Act, S.A. 2002, C. A-4.5 or its successor. |
| Staff | the employees and officers of Legal Aid Alberta. |
| Staff Law Office | the Family Law Offices, the Youth Criminal Defence Offices, the Criminal Resolution Offices and their successors, as well as any future staff law offices established by Legal Aid Alberta other than Legal Services Centres. |

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| Tariff | the detailed statement of the amount and type of legal fees and disbursements a roster lawyer may ask Legal Aid Alberta to pay the lawyer for legal services provided under a certificate. |
| Tribunal | all municipal, provincial and federal tribunals exercising jurisdiction in Alberta. Tribunals are government agencies, boards or commissions that make rules and decisions. They may resolve disputes between two people (examples are the Residential Tenancies Dispute Resolution Service or the Human Rights Commission) or they may make decisions about a person's rights or benefits (examples are the Mental Health Review Board or the Immigration and Refugee Board). They may also hear appeals from decisions made by a government department or agency (examples are the Citizen Appeal Panels for income assistance benefits or the Board of Referees for employment insurance). |

Schedule 2 – Roster Lawyers' Tariff of Fees

Table of Contents

| | |
|--------------------------------------------------------------------|----|
| 1. Criminal Certificates | 20 |
| 2. Criminal Appeal Certificates | 27 |
| 3. Civil Certificates | 30 |
| 4. Administrative Law Certificates | 34 |
| 5. Civil Appeal Certificates | 35 |
| 6. Opinion Certificates | 37 |
| 7. Extra Tariff Items | 38 |
| 8. Ordinary Disbursements | 43 |
| 9. Special Disbursements | 46 |
| 10. Extra Tariff Items and Special Disbursements – High Cost Cases | 50 |

1. Criminal Certificates

1.01 File Opening Fee L2 Offence
\$50

File Opening Fee L3 Offence
\$100

Explanation: Payable on first account rendered on the Certificate; this fee is intended to compensate Counsel for steps associated with the opening and continuation of a file that are not compensable under any other Tariff item, such as booking appointments with the client, preparing memos for the file, and providing instructions to legal assistants. The File Opening Fee applies to both Certificates when representing a co-accused, and should be billed in the full amount on each.

1.02 Express Payment L1 Guilty Plea/Resolution by ECR
\$434.50 (\$382,80)

Explanation: Fee is inclusive of all fees and disbursements for the Certificate, so no other Tariff items (including fees, disbursements or travel) may be billed when billing under this item. An Express Payment concludes a Certificate, inclusive of any Extensions.

1.03 Express Payment – L2 Guilty Plea/Resolution by ECR
\$ 693 (\$610.50)

Explanation: Please see 1.02

1.04 Express Payment – L1 Trial
\$754.60 (\$665.50))

Explanation: Please see 1.02

1.05 Express Payment – Alternative Measures, Extra-Judicial Sanctions and Peace Bonds
\$ 525.80 (\$464.20)

Explanation: Please see 1.02

1.06 Interview and Briefing – L1 Offence
\$ 170.50 (\$149.60)

Interview and Briefing – L2 Offence
\$ 462 (\$407)

Interview and Briefing – L3 Offence
\$ 1848 (\$1628)

Explanation: Fee is inclusive of interview time with the client, as well as both defence and sentence briefing.

1.07 Provincial Court Bail Application
\$ 92.40 (\$81.40)

Explanation: Fee is inclusive of preparation and appearance. All required Provincial Court Bail Applications may be billed.

1.08 QB Bail, s. 525 Reviews and Bail Revocation Application
\$ 184.80 (\$162.80)

Explanation: Fee is inclusive of preparation and appearance. Only one Bail Application is permitted per Certificate; Counsel may request coverage for additional Bail Applications as an Extra Tariff item. Coverage extends to ALL s. 525 Reviews and Bail Revocation Applications.

1.09 Preparation and Service of Bail Order
\$ 92.40 (\$81.40)

Explanation: Fee is inclusive of all steps taken to draft, file and serve a bail Order following a successful bail application or a variation of bail conditions in the Court of Queen's Bench.

1.10 Adjournments in Docket Court
\$ 46,20 (\$40.70)

Explanation: The first Docket appearance Counsel makes for the client is not a billable adjournment, as the first Docket appearance is included in the block fees for dispositions. Adjournments are only payable in the following circumstances:

- client fails to appear/Counsel appears for warrant cancellation;
- Crown or Court is not prepared to proceed;
- co-accused requests an adjournment for any reason;
- disclosure has not been provided subsequent to the first appearance;
- complainant or witness fails to attend;
- Counsel appears to withdraw from the record;
- ECR process requires adjournment;
- Counsel has not had opportunity to interview client or prepare for trial/prelim;
- Legal Aid Alberta has provided erroneous information as to date or courtroom;
- there are multiples sets of charges, Counsel appears to consolidate matters;
- Legal Aid Alberta has appointed two Counsel in error and both appear;
- waiting for pre-sentencing report, medical report, etc.

Adjournments cannot be billed under the following circumstances:

- the appearance is for election and plea and/or setting dates and none of the above apply;
- Counsel requests an adjournment due to his or her scheduling difficulties;
- Counsel is unable to attend due to personal matters;
- the client has requested an adjournment in an effort to postpone the matter

1.11 Adjournments not in Docket Court
\$ 92.40 (\$81.40)

Explanation: Please see 1.10

1.12 Pre-Trial Conferences and Pre-Preliminary Conferences
\$ 184.80 (\$162.80)

Explanation: Fee is inclusive of preparation and attendance.

1.13 Waiting Time
\$92.40/hour (\$81.40/hour) – Maximum 2 hours per half day

Explanation: Time spent waiting for Court to commence is only payable where no other fee is being claimed for the same half day on the Certificate, any other Certificate or private matter.

1.14 Court Outside of Regular Hours
\$ 92.40/hour (\$81.40/hour)

Explanation: Counsel may bill for actual time spent in Court prior to 8:30 am and after 5:00 pm

1.15 Preliminary Inquiry – 1st half day
\$ 473.80 (\$416.90)

For conducting a preliminary inquiry, including where the Crown stays or withdraws or calls no evidence on the day of preliminary with no prior notice to Counsel.

Explanation: Fee is inclusive of:

- all appearances to set dates or for election and plea;
- obtaining disclosure;
- defence adjournments except as provided for under Tariff items 1.10 and 1.11;
- negotiations with the police and Crown, including ECR steps;
- preparation, including preparation of witnesses;
- attendance.

1.16 Preliminary Inquiry – 2nd to 10th half day
\$ 242 (\$213.40)

Explanation: Please see 1.15

- 1.17 Preliminary Inquiry – 11th half day forward
\$ 371.80 (\$326.70)

Explanation: Please see 1.15

- 1.18 Guilty Plea at the Completion of Preliminary Inquiry (if done in the same half day)
\$92.40 (\$81.40)

Explanation: Fee is inclusive of preparation and attendance.

- 1.19 Waiver of Preliminary Inquiry
\$92.40 (\$81.40)

Explanation: Fee is inclusive of preparation and attendance.

- 1.20 Arraignments
\$92.40 (\$81.40)

Explanation: Counsel is expected to pre-book trial dates whenever possible; attendance at arraignments will only be compensated when necessary because of special circumstances (explanation required).

- 1.21 Written Argument where ordered by the Court
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

Explanation: A copy of the written argument must be made available to LAA upon request.

- 1.22 Written Argument when **not** ordered by the Court
\$92.40/hour (\$81.40/hour) – Maximum 5 hours

Explanation: A copy of the written argument must be made available to LAA upon request. This Tariff item is being implemented on a test basis to provide compensation when Counsel determines completion of written argument is in the best interests of the client; this item will be monitored closely for evaluation purposes.

- 1.23 Jury Selection
\$92.40/hour (\$81.40/hour) – Maximum of 3 hours per half day

- 1.24 Trial – 1st half day
\$ 552.20 (\$487,30)
The definition of a trial includes the following:

- proceedings during which evidence is called;
- application which could result in a stay;
- Dangerous Offender hearings;
- Fitness Hearings;
- pre-trial motions (e.g. Charter applications, severance applications, change of venue, applications for disclosure);
- contested Breach of Conditional Sentence hearings.

Explanation: First Docket appearance made by Counsel and all other appearances to set date or for election and plea (this explanation applies to 1.24-1.31). Fee is inclusive of:

- all appearances to set dates or for election and plea;
- obtaining disclosure;
- defence adjournments except as provided for under Tariff items 1.10 and 1.11;
- negotiations with the police and Crown, including ECR steps;
- preparation, including preparation of witnesses;
- attendance.

1.25 Trial – 2nd to 10th half day
\$277.20 (\$244.20)

Explanation: Please see 1.24

1.26 Trial – 11th half day forward
\$371.80 (\$326.70)

Explanation: Please see 1.24

1.27 Guilty Plea
\$277.20 (\$244.20)

Explanation: Fee is inclusive of:

- all appearances to set dates or for election and plea;
- obtaining disclosure;
- defence adjournments except as provided for under Tariff items 1.10 and 1.11;
- negotiations with the police and Crown, including ECR steps;
- preparation, including preparation of witnesses;
- attendance.

1.28 Resolution through Early Case Resolution
\$277.20 (\$244.20)

Explanation: Please see 1.27

1.29 Guilty Plea on day of trial
\$506 (\$445.50)

Fee applies when matter resolves by way of a guilty plea on the day of trial due to unforeseen circumstances, such as the non-attendance of a Crown witness. Counsel will have to provide a detailed explanation of attempts made to resolve the matter prior to the trial date and the reason why matters could be resolved on the trial date but not in advance.

Explanation: Please see 1.27

- 1.30 Withdrawal of Charge with Notice to Counsel
\$277.20 (\$244.20)

Explanation: Please see 1.27

- 1.31 Withdrawal of Charge on day of trial without Notice to Counsel
\$506 (\$445.50)

Fee applies only when the Crown opts to withdraw, stay or call no evidence on all charges on the day of trial with no prior notice to Defence Counsel.

Explanation: Please see 1.27

- 1.32 Speaking to sentence
\$92.40/hour (\$81.40/hour) – Maximum 4 hours per half day

Explanation: Fee is inclusive of preparation and attendance. Applies when the Court puts over the matter of Speaking to Sentence from the entry of the guilty plea or conviction, and can be billed for each applicable half day.

- 1.33 Contested Post-Sentence Hearing – 1st half day
\$277.20 (\$244.20)

Explanation: Fee applies to post-sentence hearings conducted pursuant to the Youth Criminal Justice Act, DNA Order Applications, and SOIRA Hearings; the fee is inclusive of preparation and attendance.

- 1.34 Contested Post-Sentence Hearing – 2nd half day forward
\$184.80 (\$162.80)

Explanation: Please see 1.32

- 1.35 Counsel withdraws from the Record
\$92.40/hour (\$81.40/hour) – Maximum 2 hours

Explanation: Fee may be billed when no disposition fee applies to a set of charges to compensate for services normally inclusive in a disposition fee, including review of disclosure, Docket appearances not billable under Tariff item 1.10, discussions with

witnesses, police or the Crown, etc. Counsel may be asked to itemized services provided. An attendance to withdraw is billable under Tariff item 1.10 or 1.11 as applicable.

- 1.36 Charges waived out of the jurisdiction
\$92.40/hour (\$81.40/hour) – Maximum 2 hours

Explanation: Please see 1.35

- 1.37 Multiple Charges
\$92.40 per set of additional charges (\$81.40/set of additional charges)

Explanation: Fee applies when a Certificate covers charges that do not all stem from the same incident but are all resolved at the same appearance, and is intended to compensate for the extra time required to review disclosure, interview the client, and other related steps. One fee is payable per set of circumstances, to a maximum of 10 fees per Certificate.

- 1.38 Level 3 Offences
10% increase

Explanation: When the most serious offence on a Certificate is a Level 3 offence, all fees (excluding travel time) are increased by 10%. (includes appeals)

- 1.39 Hourly Certificates
\$92.40/hour (\$81.40/hour) - Maximum number of hours will be indicated on the Certificate

Explanation: This Tariff item applies only when a certificate indicates that you may bill hourly. E.g. Board of Review, Institutional Matters, etc. Please note the File Opening Fee does not apply to Certificates issued under this Tariff item.

2. Criminal Appeal Certificates * also see item 1.38

2.01 File Opening Fee
\$100

Explanation: Payable on first account rendered on the Certificate; this fee is intended to compensate Counsel for steps associated with the opening and continuation of a file that are not compensable under any other Tariff item, such as booking appointments with the client, preparing memos for the file, and providing instructions to legal assistants.

2.02 Attending and Speaking to the List
\$92.40/hour (\$81.40/hour) – Maximum 1 hour

Explanation: Counsel is expected to avoid such appearances whenever possible.

2.03 Release pending appeal
\$92.40/hour (\$81.40/hour) – Maximum 4 hours per Certificate
Explanation: Fee is inclusive of preparation and attendance.

2.04 Interlocutory Application – Preparation
\$92.40/hour (\$81.40/hour) – Maximum 4 hours per Certificate

2.05 Interlocutory Application – Appearance
\$609.40 (\$532.80)

2.06 Interview with client – Summary Conviction or Sentence Appeal – Level 1 offence
\$92.40/hour – Maximum 1 hour

Interview with client – Summary Conviction or Sentence Appeal – Level 2 offence
\$92.40/hour (\$81.40/hour) – Maximum 3 hours

Interview with client – Summary Conviction or Sentence Appeal – Level 3 offence
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

2.07 Briefing – Summary Conviction or Sentence Appeal – Level 1 or 2 offence
\$92.40/hour (\$81.40/hour) – Maximum 1 hour

2.08 Briefing – Summary Conviction or Sentence Appeal – Level 3 offence
\$92.40/hour (\$81.40/hour) – Maximum 2.5 hours

2.09 Preparation – Summary Conviction or Sentence Appeal – All Levels of Offence
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

Explanation: Counsel may bill for all correspondence, drafting, filing and service of all documents including factum and briefing of law.

- 2.10 Appearance – Summary Conviction or Sentence Appeal – 1st half day
\$609.40 (\$532.80)
- 2.11 Appearance – Summary Conviction or Sentence Appeal – 2nd half day forward
\$303.60 (\$267.30)
- 2.12 Interview and Briefing – Conviction Appeal in Court of Appeal or SCC – Level 1 offence
\$184.80 (\$162,80)
- Interview and Briefing – Conviction Appeal in Court of Appeal or SCC – Level 2 offence
\$508.20 (\$442.70)
- Interview and Briefing – Conviction Appeal in Court of Appeal or SCC – Level 3 offence
\$1848 (\$1628)

Explanation: Fee is inclusive of interview time with client as well as all briefing.

- 2.13 Preparation – Conviction Appeal or Denial of Extraordinary Remedy – Trial lasted one day or less
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

Explanation: Please see 2.09

- 2.14 Preparation – Conviction Appeal or Denial of Extraordinary Remedy – Trial lasted more than one day up to 5 days
\$92.40/hour (\$81.40/hour) – Maximum 25 hours

Explanation: Please see 2.09

- 2.15 Preparation – Conviction Appeal or Denial of Extraordinary Remedy – Trial lasted more than 5 days
\$92.40/hour (\$81.40/hour) – Maximum 25 hours per 5 days (or portion thereof) of original trial

Explanation: Please see 2.09

- 2.16 Appearance – 1st half day in the Court of Appeal
\$642.40 (\$565.40)
- 2.17 Appearance – each additional half day in the Court of Appeal
\$303.60 (\$267.30)

2.18 Preparation for Interlocutory/Leave Application in the Supreme Court of Canada
\$1364 (\$1201.20)

explanation: Please see 2.09

2.19 Any Appearance in the Supreme Court of Canada
\$1364/day (\$1201.20/day)

2.20 Waiting Time in Court of Appeal when Counsel has no other matters
\$92.40/hour (\$81.40/hour) – Maximum 2 hours per half day on the Certificate, any other Certificate or a private matter.

Civil Certificates

3.01 File Opening Fee
\$100

Explanation: Payable on the first account rendered on a Certificate; this fee is intended to compensate Counsel for steps associated with the opening and continuation of a file that are not compensable under any other Tariff item, such as booking appointments with the client, preparing memos for the file, and providing instructions to legal assistants. If representing co-clients, the full fee can be billed on each Certificate.

3.02 File Closing Fee
\$50

Explanation: Payable on the final account rendered on a Certificate, as long as Counsel has had conduct of a file for at least six months, has brought matters to conclusion OR completed at least ten hours of work on the file; the fee is intended to compensate Counsel for steps associated with the conclusion of a file, including providing materials to the client, preparing accounts to submit to Legal Aid Alberta and preparing the file for closure.

3.03 Base Civil Coverage
\$92.40/hour (\$81.40/hr.) – Maximum 30 hours

Explanation: Please see guidelines on billing time for Base Civil Coverage at end of this section.

3.04 Preparation for Examinations
\$92.40/hour (\$81.40/hour) – Maximum 1 hour per examination

3.05 Attendance at Examinations
\$92.40/hour (\$81.40/hour)

3.06 Attendance at Judicial Dispute Resolution
\$92.40/hour (\$81.40/hour)

3.07 Attendance in Chambers as Applicant or attendance in Family Court for Hearing
\$92.40/hour (\$81.40/hour) – Minimum 1 hour per appearance

Explanation: Adjournments are not billable under this item but should be billed under Tariff item 3.03. Note that Counsel can only initiate two Regular Chambers applications and must seek prior approval to initiate any additional application under Extra Tariff item 7.03 Counsel must indicate the issue for the Application. Please advise the nature and outcome of the appearance.

- 3.08 Preparation and Attendance for Special Chambers
\$92.40/hour (\$81.40/hour) – Maximum 6 hours per Certificate

Explanation: Includes preparation of documents, general preparation for appearance and attendance at Application. Counsel may only initiate one Special Chambers Application per Certificate without prior approval.

- 3.09 Preparation of Documents when Responding to Regular QB Application
\$92.40/hour (\$81.40/hour) – Maximum 3 hours

- 3.10 Attendance in Regular QB Chambers as Respondent
\$92.40/hour (\$81.40/hour) – Minimum 1 hour per appearance

Please advise the nature and outcome of the appearance.

- 3.11 Attendance at Trial – 1st half day to 10th half day inclusive
\$236.50/half day (\$203.50/half day)

- 3.12 Attendance at Trial – 11th half day forward
\$ 488.40/half day (\$430.10/half day)

Explanation: Fee is inclusive of an additional hour per half day for preparation for trial.

Base Civil Coverage Guidelines

Counsel may bill for steps taken pursuant to a Certificate that are not billable under any other Tariff item and were necessary to complete the matters covered by the Certificate.

Counsel must bill actual time; billing minimums are not permissible.

Although Counsel is not required to produce time records for Base Civil Coverage when submitting accounts, LAA may request time records as part of our audit process, or when considering requests for additional hours. Thus, it is important that Counsel keep time records for all steps billed under Base Civil Coverage.

- I. The following may be billed under Base Civil Coverage:
 - a. interviews and phone calls with client;
 - b. reviewing documents;
 - c. preparation of all documents and pleadings related to a matter;
 - d. negotiations and correspondence;
 - e. preparation regarding witnesses, including experts and experts' reports;
 - f. preparation for trial or hearing;
 - g. legal research;
 - h. concluding matters;
 - i. appearance before a Dispute Resolution Officer or Judicial Dispute Resolution;
 - j. appearances to adjourn a matter;
 - k. waiting time in Court or at Tribunal;
 - l. time in Court or at Tribunal prior to 9 a.m. or after 5 p.m.;
 - m. preparation for and attendance at pre-trial or pre-hearing conferences or case management;
 - n. preparation of written argument or submission for Court or Tribunal; and
 - o. services provided to Legal Aid Alberta – i.e. securing mortgage documents.

- II. Counsel are asked to use the following as guidelines for billing for the preparation of documents. Counsel may deviate from these guidelines but may be asked to provide an explanation:
 - a. basic correspondence, including email, 0.10 or 0.20 hours per item;
 - b. review of correspondence received, including email, 0.10 hours per item;
 - c. Notice to Disclose/Notice of Motion, 0.30 hours per Notice;
 - d. Notice of Motion for a Regular Chambers Application, 0.30 to 0.50 hours per Notice;
 - e. Statement of Claim, 0.50 hours;
 - f. Request for Divorce, 0.30 hours; or
 - g. Order, 0.50 to 1.00 hours per Order.

- III. Counsel may not bill for the following, as it is anticipated that these steps are adequately compensated by the file opening and closing fees:
 - a. preparing memos to place on a file;
 - b. telephone conversations, correspondence or other steps taken to schedule appointments with client;
 - c. providing office staff with instructions;

- d. sending copies of letters to client or anyone else;
- e. communication with Legal Aid Alberta via email, correspondence or telephone; and
- f. preparing accounts.

Administrative Law Certificates

Please note that Tariff items 3.01 (File Opening Fee) and 3.02 (File Closing Fee) apply to Part 4 Civil Certificates.

4.01 Immigration
\$92.40/hour (\$81.40/hour)

Explanation: Maximum number of hours allowable will be indicated on Certificate. Counsel may bill actual time for all steps included in Base Civil Coverage (Tariff item 3.03), preparation and appearance.

4.02 Workers' Compensation Board
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.03 Income Security Program (Denial of Benefits)
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.04 Canada Pension Plan Appeal
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.05 Assured Income for the Severely Handicapped Appeal
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.06 Employment Insurance Appeal
\$92.40/hour (\$81.40/hour)

Explanation: Please see 4.01

4.07 Other
\$92.40/hour (\$81.40/hour)
Explanation: Please see 4.01

5. Civil Appeal Certificates

Please note that Tariff items 3.01 (File Opening Fee) and 3.02 (File Closing Fee) apply to Civil Appeal Certificates.

- 5.01 Additional Preparation Time when Counsel was not Counsel of Record at the original hearing in Family Court
\$92.40/hour (\$81.40/hour) – Maximum 5 hours

Explanation: Counsel may bill for interview time with client, all correspondence, drafting, filing and service of all documents including factum and briefing of law.

- 5.02 Additional Preparation Time when Counsel was not Counsel of Record at the original hearing in Queen’s Bench
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

Explanation: Please see 5.01

- 5.03 Attendance at Speak to the List in for Appeals
\$92.40/hour (\$81.40/hour) – Maximum 1 hour per appearance

Explanation: Counsel is expected to avoid such appearances whenever possible.

- 5.04 Waiting Time when Waiting for Appeal to be Heard
\$92.40/hour (\$81.40/hour) – Maximum 2.5 hours per half day

Explanation: Time spent waiting for Court or Tribunal to commence is only payable where no other fee is being claimed for the same half day on the Certificate, any other Certificate or a private matter.

- 5.05 Preparation for Appeal of a decision made in Family Court
\$92.40/hour (\$81.40/hour) – Maximum 20 hours

Explanation: Please see 5.01

- 5.06 Preparation for Appeal of a decision made in the Court of Queen’s Bench
\$92.40/hour (\$81.40/hour) – Maximum 30 hours

Explanation: Please see 5.01

- 5.07 Appearance in Court of Queen’s Bench or Court of Appeal for Appeal Hearing
\$231/half day (\$203.50/half day)

- 5.08 Preparation of Interlocutory/Leave Applications in the Supreme Court of Canada
\$1252 (\$1201.20)

Explanation: Counsel may bill for interview time with client, all correspondence, drafting, filing and service of all documents including factum and briefing of law.

- 5.09 Preparation of appeal in the Supreme Court of Canada where trial lasted one day or less
\$92.40/hour (\$81.40/hour) – Maximum 10 hours

Explanation: Please see 5.08

- 5.10 Preparation of appeal in the Supreme Court of Canada where original trial lasted more than one day up to five days
\$92.40/hour (\$81.40/hour) – Maximum 25 hours

Explanation: Please see 5.08

- 5.11 Preparation of appeal in the Supreme Court of Canada where original trial lasted more than 5 days
\$92.40/hour (\$81.40/hour) – Maximum 25 hours per 5 days (or portion thereof) of original trial

Explanation: Please see 5.08

- 5.12 All Appearances in the Supreme Court of Canada
\$1252 (\$1201.20) per day

6. Opinion Certificates

File Opening and Closing fees do not apply to Opinion Certificates.

- 6.01 Opinion – 1 hour – Express Payment
\$97.90 (\$86.90)

Explanation: Fee is inclusive of all fees and disbursements for the Certificate.

- 6.02 Opinion – 2 hour – Express Payment
\$195.80 (\$173.80)

Explanation: Fee is inclusive of all fees and disbursements for the Certificate.

- 6.03 Counsel Unable to Provide Opinion – Express Payment
\$53.90 (\$47.30)

Explanation: Fee is inclusive of all fees and disbursements for the Certificate.

- 6.04 Opinion – Regular Tariff
\$92.40/hour (\$81.40/hour) – Maximum hours as specified on Certificate; disbursements may be billed.

7. Extra Tariff Items

Extra Tariff Items require prior approval by Legal Aid Alberta. Please see Guidelines on Requesting Extra Tariff Items and Special Disbursements for more information.

7.01 Additional Bail Applications

~~\$184.80~~ (~~\$162.80~~)

Explanation: Fee is inclusive of preparation and appearance. Item 1.09 also applies.

7.02 Additional Special Chambers Applications

~~\$92.40/hour~~ (~~\$81.40/hour~~) – Maximum 6 hours or as authorized

Explanation: Counsel may bill for preparation of documents, general preparation for appearance, and attendance at Application.

7.03 Additional Regular Chambers Applications

~~\$92.40/hour~~ (~~\$81.40/hour~~)

Explanation: Minimum of one hour for appearance; additional hours for preparation as authorized.

7.04 Additional hours – Criminal Certificate

~~\$84/hour~~ (~~\$74/hour~~) – Maximum hours as authorized

7.05 Additional hours – Civil Certificate

~~\$92.40/hour~~ (~~\$81.40/hour~~) – Maximum hours as authorized

7.06 Travel Costs not anticipated at time of Certificate Issuance

As authorized

7.07 Watching Briefs

~~\$92.40/hour~~ (~~\$81.40/hour~~) – Maximum 2.5 hours per half day

7.08 Other

As authorized

7.09 Discretionary Increase

As authorized

Explanation: In cases of more than usual complexity, Counsel may request a discretionary increase in the Tariff rates. Counsel must explain all steps taken on behalf of the client and why Counsel believes a discretionary increase is justified. Such requests

may be authorized by the Vice-President of Legal Services Centre or his/her delegate, or may be referred to a Committee for decision.

Guidelines on Requesting Extra Tariff Items (Matters NOT in the High Cost Case Management Program)

It is anticipated that the coverage provided for under the Tariff will be sufficient to bring most matters to conclusion; however, if Counsel concludes additional coverage is required, Counsel may request an Extra Tariff item. PLEASE NOTE: all Extra Tariff items require prior approval or Counsel may not be paid. Counsel must submit an on-line request, or a request in writing to the contact person on the Certificate. Requests cannot be considered without all of the necessary information, as set out below. Once your request has been considered, you will be advised of the decision as soon as possible and will be informed of your options to appeal that decision if appropriate.

7.01 Additional Bail Applications

The Tariff allows only one Bail Application in the Court of Queen's Bench per Certificate. If Counsel is of the opinion a subsequent QB Bail Application is warranted, Counsel may request coverage for same by indicating:

- why a subsequent bail application is warranted
- a very brief Opinion statement on the likelihood of success.

7.02 Additional Special Chambers Applications

The Tariff allows only one Special Chambers Application as Applicant. If Counsel is of the opinion a subsequent Special Chambers Application is warranted, Counsel may request coverage for same by indicating:

- the issues dealt with in the earlier Special Chambers Application(s) and the outcome of that Application(s);
- issues to be resolved at the subsequent Special Chambers Application; and
- a very brief Opinion statement on the likelihood of success.

Six hours for preparation, drafting documents and attendance is generally granted for a Special Chambers Application; if Counsel is of the Opinion more time is necessary, Counsel should indicate how many hours are requested and provide an explanation as to why the matter is expected to be more time consuming than a standard application.

7.03 Additional Regular Chambers Applications

The Tariff allows only two Regular Chambers Applications as Applicant. If Counsel is of the opinion a subsequent Regular Chambers Application is warranted, Counsel may request coverage for same by indicating:

- the issues dealt with in the earlier Regular Chambers Applications and the outcome of those Applications;
- issues to be resolved at the subsequent Regular Chambers Application;
- a very brief Opinion statement on the likelihood of success; and

- an indication of whether additional hours for preparation are required under Base Civil Coverage and if so, and explanation of how many hours are required and how those hours will be used.

7.04 Additional Hours – Criminal Certificate

The Tariff includes interview time with the client and legal briefing under Tariff item 1.06, and for correspondence, disclosure review, preparation for Court, and other such steps under the applicable disposition Tariff item. If Counsel is of the Opinion that additional hours are required for any steps, Counsel may request coverage for same by indicating:

- how many additional hours are being requested;
- a breakdown of how the additional hours would be used;
- an explanation of why additional hours are necessary; and
- an explanation of how any additional hours previously approved on the Certificate were used.

This Extra Tariff item can also be used to request additional hours on a Criminal Appeal.

7.05 Additional Hours – Civil Certificate

The Tariff provides Counsel with set numbers of hours for Base Civil Coverage, for other steps taken on civil matters, as well as for Civil Appeals. If Counsel is of the Opinion that additional hours are required for Base Civil Coverage or any other steps including on Appeals, Counsel may request coverage for same by indicating:

- how many additional hours are being requested;
- a breakdown of how the additional hours would be used;
- an explanation of why additional hours are necessary; and
- an explanation of how any additional hours previously approved on the Certificate were used.

7.06 Travel Costs not anticipated at the time of Certificate Issuance

Ordinarily, at the time a Certificate is issued, LAA indicates whether travel will be compensated and if Counsel accepts a Certificate in circumstances where travel will not be compensated, Counsel is expected to cover his or her own costs of travel. However, if circumstances arise that change the travel requirements on a Certificate, Counsel may request coverage for travel by indicating:

- why travel is required;
- details of travel, including where Counsel will be traveling from and to, what method of travel will be used, and whether accommodations will be necessary;
- a breakdown of the associated costs.

7.07 Watching Briefs

If Counsel is of the Opinion that it would be beneficial to a client's matter if Counsel attended at related Court proceedings, Counsel may request coverage for same by indicating:

- what proceedings Counsel wishes to observe;
- how the proceedings are related to the client's matter;
- how it would benefit the client's matter to have Counsel observe the other proceedings;
- the expected duration of the other proceedings.

7.08 Other

If Counsel is of the Opinion that an Extra Tariff item of a nature not outlined above is necessary, Counsel may request coverage for same by providing full details of what is being requested and an explanation of why the additional coverage is warranted.

7.09 Discretionary Increase

If Counsel is of the Opinion that circumstances such as the complexity of the matter or Counsel's expertise in a particular area of practice justify an increase in the standard hourly rate for the Tariff, Counsel may request a Discretionary Increase. Discretionary Increases are exceptional in nature, and are not intended to compensate Counsel for Extra Tariff items for which Counsel did not request approval in advance. When Counsel is requesting a Discretionary Increase, Counsel should indicate the amount of the increase being sought and provide a detailed explanation of why Counsel feels the increase is justified, including the issues involved in the matter, the nature of Counsel's expertise in the area of practice, and any other circumstances relevant to the request.

8. Ordinary Disbursements

- 8.01 Travel Time and Travel Wait Time
\$40 per hour

Explanation: Travel is allowed to Court, to Examinations for Discovery, and to where the client is in custody within the same Legal Aid Alberta region. Any travel outside the Legal Aid Alberta region requires prior approval, and travel within a city/town is not allowable.

- 8.02 Kilometrage

Please see the Counsel Connection section of the Legal Aid Alberta website for the applicable rate

- 8.03 Travel to Ottawa for SCC Appeal, including all Travel Waiting Time
\$800

- 8.04 Parking
Actual Cost
If no GST applies, use Tariff Item 8.24.

- 8.05 Accommodation and Meals
Actual Cost

Explanation: Counsel are encouraged to use Travel Assist whenever possible; when making other arrangements, Counsel should be mindful of the fact that clients are individuals of modest financial means and ensure that all expenses incurred are reasonable. Please see the Counsel Connection section of our website for the applicable rates. Actual/reasonable can be claimed with receipt attached or available upon request.

Counsel is reminded that Legal Aid Alberta will not pay for meals for guests or clients. Alcoholic beverages are not an allowable expense.

- 8.06 Airfare and other Transportation
Actual Cost

- 8.07 Filing Fees
Actual Cost

Please note that filing fees are waived by the Clerk of the Court upon presentation of the Legal Aid Alberta certificate.

- 8.08 Process Servers
Actual Cost

If no GST applies, use Tariff Item 8.25.

- 8.09 Conduct Money for Ordinary Witnesses
Witnesses must reside within 300 kms. of the place of trial. A maximum of five witnesses are allowed under this item. If these criteria are not met, prior approval must be sought under Tariff item 9.07.

As Per Alberta Rules of Court

- 8.10 Appeal Books Where Coverage is Granted for the Appeal
Actual Cost

- 8.11 Transcripts of Any Examinations or Bail Applications
Actual Cost

Explanation: This item excludes all expedited transcripts, but does include expedited bail transcripts – prior approval must be sought for all expedited transcripts under Tariff item 9.09.

If no GST applies, use Tariff Item 8.26.

- 8.12 Photocopies
10¢ per page

Explanation: Counsel may also bill for actual cost paid to an outside agency.

- 8.13 Fax Charges
Actual Cost

Explanation: Counsel may ONLY bill for actual cost paid to an outside agency.

- 8.14 Agent
Actual Cost

Explanation: Counsel may bill the lesser of the agent's fee or the fee appointed Counsel could have billed pursuant to the Tariff if counsel had performed services personally. Counsel is required to use the services of agents located in the locale of Court, such that travel time and expenses will not be reimbursed. In the event that Counsel cannot locate an agent in the locale of Court, Counsel should contact the Regional Office responsible for the locale of Court for assistance or to seek coverage for travel expenses.

- 8.15 Medical Report
Actual Cost

Explanation: Maximum allowed is \$250; prior approval must be sought for expense in excess of \$250 under Tariff item 9.01.

If no GST applies, use Tariff Item 8.27.

8.16 Miscellaneous
Actual Cost

Explanation: Maximum of \$150 allowed for 8.16 and 8.17 together. Counsel may not bill under this item for disbursements that require prior approval as Special Disbursements.

8.17 Miscellaneous - no GST applies
Actual Cost

Explanation: Please see 8.16

8.18 Postage
Actual Cost

8.19 Runners, Long Distance, Long Distance Faxes
Actual Cost

8.20 Courier Charges
Actual Cost - Applicable only when couriering is deemed necessary.

8.21 Translation and Interpretation Expenses
Actual Cost

Explanation: Maximum allowed is \$150; prior approval must be sought for expense in excess of \$150 under Tariff item 9.11. On Immigration Certificates only, ordinary disbursement includes translation and interpretation expenses up to \$2000.

If no GST applies, use Tariff Item 8.28.

8.22 Computer Law Searches Actual Cost
Explanation: Maximum of \$25 per Certificate

9. Special Disbursements – Regular Certificate Matters

Special Disbursements require prior approval by Legal Aid Alberta. Please see [Guidelines on Requesting Extra Tariff Items and Special Disbursements](#) for more information

9.01 Experts

If no GST applies, use Tariff Item 9.14.

9.02 Expert Witness Fees

If no GST applies, use Tariff Item 9.15.

9.03 Property Appraisals

9.04 Unusual Transportation

9.05 Maps, Models and other Physical Exhibits

9.06 Agent Outside of Alberta

9.07 Conduct Money for Extraordinary Witnesses (excluded by Tariff Item 8.9)

9.08 Records or Statements (including medical)

9.09 Transcripts and All Expedited Transcripts (except as included in Tariff Item 8.11)

If no GST applies, use Tariff Item 9.13.

9.10 Newspaper Ads for Substitutional Service

9.11 Translation and Interpretation Services (in excess of \$150.00)

9.12 Other

All items as Authorized on Special Disbursement.

Guidelines on Requesting Special Disbursements (matters NOT in the High Cost Case Management Program)

9.01 Experts

If Counsel is of the opinion that a report from an expert is necessary to a client's matter, Counsel may request approval for the cost of same, indicating:

- the name and area of expertise of the expert;
- the nature of the analysis to be undertaken by the expert;
- an explanation as to why a report from the expert will be beneficial to the client's matter; and
- a detailed breakdown of the cost of obtaining the expert's report, including the hourly rate of the expert, the number of hours the expert requires, and the steps to be taken by the expert.

9.02 Expert Witness Fees

If Counsel is of the opinion that evidence from an expert is necessary at a Court proceeding, Counsel may request approval for the cost of same, indicating:

- the name and area of expertise of the expert;
- the nature of the evidence to be provided by the expert;
- an explanation as to why the evidence of the expert will be beneficial to the client's matter; and
- a detailed breakdown of the cost of the expert providing evidence, including the hourly rate of the expert, the number of hours for which the expert is expected to be required, and any other associated expenses, including travel costs and preparation time for the expert.

9.03 Property Appraisals

If Counsel is of the opinion that an assessment of the value of property is required, Counsel may request approval for the cost of same, indicating:

- the property to be appraised;
- who will be completing the appraisal;
- the cost of the appraisal; and
- an explanation of whether the Opposing Party will be sharing in the cost of the appraisal, and if not, why not.

9.04 Unusual Transportation

If Counsel must travel in the course of a matter, and such travel is not possible by automobile or a standard commercial travel carrier, Counsel may request approval for the cost of same, indicating details of the travel required and a breakdown of the associated costs.

9.05 Maps, Models and other Physical Exhibits

If Counsel is of the opinion that a map, model or other physical exhibit is necessary to a client's matter, Counsel may request approval for the cost of same, indicating the nature of the exhibit required, who will be preparing the exhibit, and a breakdown of the cost.

9.06 Agent Outside of Alberta

If Counsel requires the services of a legal agent outside of the province of Alberta, Counsel may request approval for the cost of same, indicating:

- the name of the agent;
- the services to be provided by the agent and why the services are necessary; and
- a breakdown of the cost of the agent's services, including the agent's hourly rate and the number of hours required.

9.07 Conduct Money for Extraordinary Witnesses

9.08 Records or Statements (including medical)

If Counsel is of the opinion that medical or other records are necessary to the client's matter, Counsel may request approval for the cost of same, indicating:

- the nature of the records required and from whom the records will be obtained;
- the benefit to the client's matter of obtaining the records; and
- the cost of obtaining the records.

9.09 Transcripts and Expedited Transcripts (excluded by Tariff item 8.11)

If Counsel is of the opinion that transcripts of a proceeding are required, Counsel may request approval for the cost of same, indicating:

- the proceedings for which transcripts are required;
- an explanation of why the transcripts are necessary;
- the cost of obtaining the transcripts; and
- if Counsel is intending to request the transcripts on an expedited basis, an explanation of why the transcripts are required on an urgent basis.

9.10 Newspaper Ads for Substitutional Service

If an Order for Substitutional Service has been obtained providing for service by newspaper advertising, Counsel may request approval for the cost of same, indicating the reason substitutional service is necessary and the cost of the newspaper advertising.

9.11 Translation and Interpretation Services (in excess of \$150)

If Counsel is of the opinion that translation or interpretation services are required, Counsel may request approval for the cost of same, indicating:

- the name of the translator/interpreter to be used;
- if documents are to be translated, a description of the documents and why they are necessary to the client's matter;
- if oral interpretation is to be provided, an explanation of what will be interpreted;
- a breakdown of the cost of the services, including the applicable hourly rate or rate by document.

9.12 Other

If Counsel is of the opinion that any other disbursement not covered by any Ordinary or Special Disbursement is required, Counsel may request approval for the cost of same, indicating the nature of the expense and a breakdown of the cost.

10. Extra Tariff Items and Special Disbursements – Matters in the High Cost Case Management Program

10.01 Fees for steps taken in a matter

Items allowed and hours spent

Explanation: All steps undertaken in a High Cost Case matter must form part of the case management plan and budget approved under the Program and billed in accordance with its guidelines and protocols. For more information, contact Legal Aid Alberta's High Cost Case Manager.

10.02 Disbursements

Items allowed and hours spent

Explanation: All disbursements in a High Cost Case matter must form part of the case management plan and budget approved under the Program and billed in accordance with its guidelines and protocols. For more information, contact Legal Aid Alberta's High Cost Case Manager.